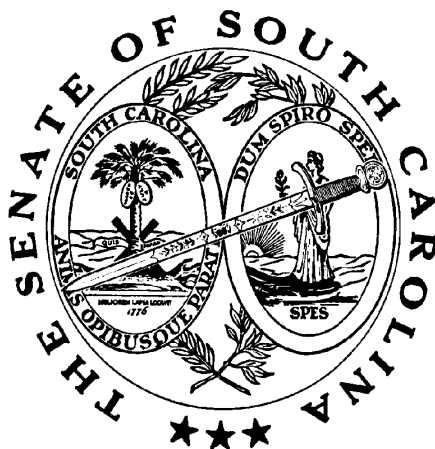


NO. 33

JOURNAL
OF THE
SENATE
OF THE
STATE OF SOUTH CAROLINA



REGULAR SESSION BEGINNING TUESDAY, JANUARY 13, 2009

TUESDAY, MARCH 17, 2009

Tuesday, March 17, 2009
(Statewide Session)

~~Indicates Matter Stricken~~
Indicates New Matter

The Senate assembled at 12:00 Noon, the hour to which it stood adjourned, and was called to order by the PRESIDENT.

A quorum being present, the proceedings were opened with a devotion by the Chaplain as follows:

The Psalmist declares:

“My soul makes its boast in the Lord; let the humble hear and be glad.” (Psalm 34:2)

Join me as we bow in prayer, please:

Holy God, it is such a challenge: striving to be the servants that You call us to be. The simple truth is, the realities of life so often work against our holding fast to humility. And that is all the more reason, dear Lord, for us to ask You to be with each of these who serve You here in the South Carolina Senate. Truly, bless each and every one who labors on Your behalf throughout this entire State. May these Senators, their staff members, and all the rest of us seek to honor You by our words and actions, always. In Your loving name we pray, O Lord. Amen.

The PRESIDENT called for Petitions, Memorials, Presentments of Grand Juries and such like papers.

MESSAGE FROM THE GOVERNOR

The following appointments were transmitted by the Honorable Mark C. Sanford:

Local Appointments

Reappointment, Cherokee County Magistrate, with the term to commence April 30, 2006, and to expire April 30, 2010

Mike W. Clary, P. O. Box 336, Gaffney, SC 29342

Reappointment, Cherokee County Magistrate, with the term to commence April 30, 2006, and to expire April 30, 2010

Franklin E. Crocker, P. O. Box 336, Gaffney, SC 29340

Reappointment, Cherokee County Magistrate, with the term to commence April 30, 2006, and to expire April 30, 2010

Robert Barton Howell, P. O. Box 336, Gaffney, SC 29342

TUESDAY, MARCH 17, 2009

Reappointment, Cherokee County Magistrate, with the term to commence April 30, 2006, and to expire April 30, 2010

Tressa M. Ramsey, P. O. Box 336, Gaffney, SC 29342

REGULATION RECEIVED

The following was received and referred to the appropriate committee for consideration:

Document No. 4052

Agency: Clemson University - State Crop Pest Commission

SUBJECT: Light Brown Apple Moth Quarantine

Received by Lieutenant Governor March 13, 2009

Referred to Agriculture and Natural Resources Committee

Legislative Review Expiration February 17, 2010

CO-SPONSORS ADDED

The following co-sponsors were added to the respective Bills:

S. 284 Sen. Campsen

S. 435 Sen. Campsen

S. 495 Sen. S. Martin

S. 450 Sen. Rose

S. 578 Sen. Rose

Expression of Personal Interest

Senator FORD rose for an Expression of Personal Interest.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following were introduced:

S. 584 -- Senator Verdin: A SENATE RESOLUTION TO HONOR ALBERT F. BRANDEL, PRESIDENT OF THE INTERNATIONAL ASSOCIATION OF LIONS CLUBS, AND TO THANK HIM FOR HIS SERVICE AND COMMITMENT TO HELPING OTHERS.

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The Senate Resolution was adopted.

S. 585 -- Senator Verdin: A SENATE RESOLUTION TO CONGRATULATE MS. PATRICIA K. JONES ON THE OCCASION OF HER RETIREMENT, AND TO THANK HER FOR MANY YEARS OF SERVICE.

TUESDAY, MARCH 17, 2009

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The Senate Resolution was adopted.

S. 586 -- Senators McConnell, Ford and Knotts: A CONCURRENT RESOLUTION TO WITHDRAW THE REQUEST FOR A MEETING OF THE JOINT ASSEMBLY ON WEDNESDAY, MARCH 25, 2009, AT ELEVEN A.M. TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE CIRCUIT COURT, AT-LARGE, SEAT 8, WHOSE TERM EXPIRES JUNE 30, 2009.

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On motion of Senator McCONNELL, with unanimous consent, the Concurrent Resolution was adopted, ordered sent to the House.

S. 587 -- Senator Verdin: A CONCURRENT RESOLUTION TO CONGRATULATE AND HONOR DR. EDGAR COPELAND TAYLOR OF LAURENS, SOUTH CAROLINA FOR HIS OUTSTANDING THIRTY-EIGHT YEAR CAREER IN EDUCATION UPON HIS RETIREMENT, AND TO WISH HIM SUCCESS AND HAPPINESS IN ALL HIS FUTURE ENDEAVORS.

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The Concurrent Resolution was adopted, ordered sent to the House.

S. 588 -- Senators Peeler, Setzler, Hayes and Matthews: A JOINT RESOLUTION TO EXTEND THE DATE BY WHICH A SCHOOL DISTRICT MUST DECIDE WHETHER TO EMPLOY A TEACHER FOR THE 2009-2010 SCHOOL YEAR FROM APRIL FIFTEENTH TO MAY FIFTEENTH AND TO PROVIDE THAT A TEACHER HAS TEN DAYS FOLLOWING RECEIPT OF WRITTEN NOTIFICATION OF AN OFFER TO ACCEPT THE CONTRACT, AND TO PROVIDE THAT A SCHOOL DISTRICT MAY UNIFORMLY NEGOTIATE SALARIES BELOW THE SCHOOL DISTRICT SALARY SCHEDULE FOR THE 2009-2010 SCHOOL YEAR FOR RETIRED TEACHERS WHO ARE NOT PARTICIPANTS IN THE TEACHER AND EMPLOYEE RETENTION INCENTIVE PROGRAM.

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Read the first time and, on motion of Senator PEELER, with unanimous consent, the Bill was referred to the Committee on Finance.

TUESDAY, MARCH 17, 2009

S. 589 -- Senator Hayes: A BILL TO AMEND SECTION 25-1-380, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ASSISTANT ADJUTANT GENERALS FOR THE ARMY, SO AS TO PROVIDE UPON NATIONAL GUARD BUREAU AUTHORIZATION, AN ADDITIONAL ASSISTANT ADJUTANT GENERAL WITH THE RANK OF MAJOR GENERAL.
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Read the first time and referred to the General Committee.

S. 590 -- Senator Peeler: A BILL TO AMEND SECTION 7-11-70, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE NOMINATION OF CANDIDATES BY A PETITION, SO AS TO PROVIDE THAT NO QUALIFIED ELECTOR WHO VOTED IN A PRIMARY ELECTION IS ELIGIBLE TO SIGN A PETITION FOR A CANDIDATE TO RUN FOR AN OFFICE TO BE FILLED AT THE GENERAL ELECTION FOLLOWING THAT PRIMARY AND TO PROVIDE THAT A QUALIFIED ELECTOR OTHERWISE ELIGIBLE TO SIGN A PETITION FOR A CANDIDATE TO APPEAR ON A GENERAL ELECTION BALLOT MAY NOT SIGN MORE THAN ONE PETITION PER GENERAL ELECTION PER OFFICE; BY ADDING SECTION 7-11-75 SO AS TO PROVIDE THAT A PERSON OFFERING FOR ELECTION AS A PETITION CANDIDATE IN ANY GENERAL ELECTION MUST HAVE FIRST NOTIFIED THE ENTITY TO WHICH THE PETITION IS REQUIRED TO BE FILED BY THE BEGINNING DATE OF THE PRIMARY ELECTION PRECEDING THAT GENERAL ELECTION OF HIS INTENTION TO FILE AS A PETITION CANDIDATE FOR THAT OFFICE, AND TO PROVIDE THAT FAILURE TO DO SO DISQUALIFIES HIM AS A PETITION CANDIDATE FOR THAT GENERAL ELECTION; TO AMEND SECTION 7-11-80, AS AMENDED, RELATING TO THE FORM OF NOMINATING PETITIONS, SO AS TO REQUIRE ALL THE SIGNATURES TO BE LEGIBLE SO THAT THE NAME OF THE VOTER CAN BE IDENTIFIED BEYOND A REASONABLE DOUBT; TO AMEND SECTION 7-11-85, RELATING TO VERIFICATION OF THE SIGNATURES ON PETITIONS, SO AS TO REVISE THE VERIFICATION PROCESS, TO PROVIDE THAT ALL QUALIFIED ELECTORS SIGNING A PETITION FOR A CANDIDATE TO APPEAR ON A GENERAL ELECTION BALLOT FOR ELECTION TO A PARTICULAR OFFICE MUST HAVE BEEN A QUALIFIED

TUESDAY, MARCH 17, 2009

ELECTOR WHO REGISTERED TO VOTE AT LEAST THIRTY DAYS BEFORE SUBMISSION OF THE PETITION, AND TO REQUIRE THE REGISTRATION BOARD TO VERIFY THE VOTER IS A QUALIFIED ELECTOR IN THAT JURISDICTION; BY ADDING SECTION 7-11-95 SO AS TO PROVIDE THAT THE ENTITY TO WHICH A PETITION MUST BE FILED MAY REJECT THE PETITION IF, AFTER A HEARING, THE ENTITY FINDS THAT BY A PREPONDERANCE OF THE EVIDENCE FRAUD WAS COMMITTED IN THE EXECUTION OF THE PETITION, AND TO PROVIDE THAT THE VALIDATION OF THE SIGNATURES ON A PETITION AND THE DETERMINATION OF WHETHER OR NOT FRAUD WAS COMMITTED IN THE EXECUTION OF THE PETITION MUST BE CONDUCTED IN PUBLIC AFTER NOTICE; AND BY ADDING SECTION 7-11-100 SO AS TO PROVIDE THAT DECISIONS OF A LOCAL ENTITY TO WHICH A PETITION MUST BE FILED MAY BE APPEALED TO THE STATE ELECTION COMMISSION AND THEREAFTER TO A COURT OF COMPETENT JURISDICTION IN THE MANNER IN WHICH APPEALS FROM THE STATE ELECTION COMMISSION MAY BE TAKEN.

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Read the first time and referred to the Committee on Judiciary.

S. 591 -- Senator Lourie: A BILL TO AMEND SECTIONS 22-3-1330, 22-3-1340, 22-3-1370, 22-3-1400, AND 22-3-1410 OF THE 1976 CODE, ALL RELATING TO PROCEEDINGS IN CLAIM AND DELIVERY ACTIONS, TO ALLOW SERVICE OF PROCESS BY PERSONS OTHER THAN CONSTABLES.

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Read the first time and referred to the Committee on Judiciary.

S. 592 -- Senator Lourie: A SENATE RESOLUTION TO RECOGNIZE THE IMPORTANCE OF WORLD TUBERCULOSIS DAY AS FOCUSING ATTENTION ON ONE OF THE WORLD'S DEADLIEST KILLERS AND TO DECLARE TUESDAY, MARCH 24, 2009, AS "SOUTH CAROLINA TUBERCULOSIS DAY."

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The Senate Resolution was introduced and referred to the Committee on Invitations.

TUESDAY, MARCH 17, 2009

REPORTS OF STANDING COMMITTEES

Invitations Accepted

The following invitations were polled from the Committee on Invitations with a favorable report with the members voting as follows:

Poll of the Invitations Committee

Polled 11; Ayes 11; Nays 0; Not Voting 0

AYES

Knotts	Alexander	Patterson
McGill	Reese	O'Dell
Elliott	Ford	Grooms
Verdin	Campsen	

Total--11

NAYS

Total--0

Tuesday, March 31, 2009, 6:00 – 10:00 p.m.

Members of the Senate, clerks and attaches, South Carolina v. North Carolina Legislative Basketball Game, Colonial Life Arena, by SOUTH CAROLINA ASSOCIATION FOR JUSTICE

Wednesday, April 1, 2009, 8:00 a.m.

Members of the Senate, clerks and attaches, Breakfast, Blatt Building, Room 112, by SOUTH CAROLINA PODIATRIC MEDICAL ASSOCIATION

Wednesday, April 1, 2009, 12:00 – 1:30 p.m.

Members of the Senate, clerks and attaches, Luncheon, Blatt Building, Room 112, by SOUTH CAROLINA HOME EDUCATORS' ASSOCIATION

Thursday, April 2, 2009, 8:00 – 10:00 a.m.

Members of the Senate, Breakfast, Room 112, Blatt Building, by the CHILDREN'S TRUST OF SOUTH CAROLINA

TUESDAY, MARCH 17, 2009

Wednesday, April 14, 2009, 7:00 – 9:00 p.m.

Members of the Senate, “Washington Night in South Carolina”,
Columbia Marriott Hotel SOUTH CAROLINA CHAMBER OF
COMMERCE

Senator KNOTTS from the Committee on Invitations polled out
H. 3675 favorable:

H. 3675 -- Reps. Neilson, Williams, Lucas, Harrell, Jennings,
Barfield, Bales, Agnew, Alexander, Allen, Allison, Anderson,
Anthony, Ballentine, Bannister, Battle, Bedingfield, Bingham, Bowen,
Bowers, Brady, Branham, Brantley, G.A. Brown, H.B. Brown,
R.L. Brown, Cato, Chalk, Clemmons, Clyburn, Cobb-Hunter, Cole,
Cooper, Crawford, Daning, Delleney, Dillard, Duncan, Edge, Erickson,
Forrester, Frye, Funderburk, Gambrell, Gilliard, Govan, Gullick, Gunn,
Haley, Hamilton, Hardwick, Harrison, Hart, Harvin, Hayes, Hearn,
Herbkersman, Hiott, Hodges, Horne, Hosey, Howard, Huggins, Hutto,
Jefferson, Kelly, Kennedy, King, Kirsh, Knight, Limehouse, Littlejohn,
Loftis, Long, Lowe, Mack, McEachern, McLeod, Merrill, Miller,
Millwood, Mitchell, Moss, Nanney, J.H. Neal, J.M. Neal, Ott, Owens,
Parker, Parks, Pinson, E.H. Pitts, M.A. Pitts, Rice, Rutherford,
Sandifer, Scott, Sellers, Simrill, Skelton, D.C. Smith, G.M. Smith,
G.R. Smith, J.E. Smith, J.R. Smith, Sottile, Spires, Stavrinakis, Stewart,
Stringer, Thompson, Toole, Umphlett, Vick, Viers, Weeks, Whipper,
White, Whitmire, Willis, Wylie, A.D. Young and T.R. Young: A
CONCURRENT RESOLUTION TO EXPRESS THE LONG-HELD
BELIEF OF THE GENERAL ASSEMBLY THAT NASCAR
RACING IS AN INTEGRAL AND VITAL PART OF THE STATE
OF SOUTH CAROLINA AND ITS ECONOMY AND TO
RECOGNIZE THE DARLINGTON RACEWAY AS ONE OF OUR
STATE’S MOST TREASURED ATTRACTIONS AND NASCAR
RACING AS A SIGNIFICANT PART OF OUR STATE’S RICH
HISTORY, AND TO NAME THE WEEK OF MAY 4, 2009
THROUGH MAY 10, 2009, “DARLINGTON RACEWAY WEEK,
THE WEEK TOO TOUGH TO TAME”.

Poll of the Invitations Committee
Polled 9; Ayes 9; Nays 0; Not Voting 2

AYES

Knotts

Alexander

O’Dell

[SJ]

7

TUESDAY, MARCH 17, 2009

McGill
Verdin

Reese
Cromer

Elliott
Malloy

Total--9

NAYS

Total--0

NOT VOTING

Total--2

H. 3675--Adopted

Senator KNOTTS asked unanimous consent to take the Resolution for immediate consideration.

There was no objection.

The Senate proceeded to a consideration of the Concurrent Resolution, the question being the adoption of the Resolution.

The Concurrent Resolution was adopted, ordered returned to the House.

THE SENATE PROCEEDED TO A CALL OF THE UNCONTESTED LOCAL AND STATEWIDE CALENDAR.

THIRD READING BILLS

The following Bills and Joint Resolutions were read the third time and ordered sent to the House of Representatives:

S. 19 -- Senator Fair: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 59-116-45 SO AS TO PROVIDE THAT EVERY POLICE/SECURITY DEPARTMENT SHALL IMPLEMENT POLICIES AND PROCEDURES TO GOVERN THEIR OPERATIONS; TO AMEND SECTIONS 59-116-10, 59-116-20, 59-116-30, 59-116-50, 59-116-60, 59-116-80, 59-116-100, AND 59-116-120, RELATING TO THE ESTABLISHMENT, POWERS, AND OPERATION OF CAMPUS SECURITY DEPARTMENTS, SO AS TO REVISE THE

[SJ]

TUESDAY, MARCH 17, 2009

DEFINITION OF THE TERMS "CAMPUS" AND "CAMPUS POLICE OFFICER", AND TO DEFINE THE TERM "CAMPUS SECURITY OFFICER", TO MAKE TECHNICAL CHANGES, TO REVISE THE JURISDICTIONAL BOUNDARY OF A CONSTABLE AND SECURITY OFFICER, AND TO REVISE THE MARKINGS THAT MAY APPEAR ON A CAMPUS POLICE OFFICER'S VEHICLE AND TO PROVIDE FOR THE USE OF CAMPUS UNMARKED VEHICLES; AND TO REPEAL SECTION 59-116-70, RELATING TO THE POSTING OF A BOND BY A CAMPUS POLICE OFFICER BEFORE THE ASSUMPTION OF THEIR DUTIES.

Recorded Vote

Senators RYBERG and BRYANT desired to be recorded as voting in favor of the third reading of the S. 19.

S. 185 -- Senator McConnell: A BILL TO AMEND SECTION 56-3-230, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DEPARTMENT OF MOTOR VEHICLES APPLICATION FOR THE REGISTRATION AND LICENSING OF A VEHICLE, SO AS TO PROVIDE THAT THE APPLICATION MUST INCLUDE A VALID COPY OF THE OWNER'S SOUTH CAROLINA DRIVER'S LICENSE.

S. 545 -- Transportation Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION, COMMISSIONERS OF PILOTAGE, RELATING TO PILOT AND APPRENTICE AGE LIMITATIONS; SHORT BRANCH QUALIFICATIONS; PILOT FUNCTIONS AND RESPONSIBILITIES; AND PENALTIES, DESIGNATED AS REGULATION DOCUMENT NUMBER 4041, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

Senator GROOMS explained the Joint Resolution.

S. 548 -- Medical Affairs Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, RELATING TO LICENSING OF ONSITE WASTEWATER SYSTEM MASTER CONTRACTORS, DESIGNATED AS REGULATION DOCUMENT NUMBER 3210,

TUESDAY, MARCH 17, 2009

PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23,
TITLE 1 OF THE 1976 CODE.

SECOND READING BILLS

The following Bills and Joint Resolutions, having been read the second time, were ordered placed on the Third Reading Calendar:

S. 202 -- Senator Thomas: A BILL TO AMEND SECTION 38-1-20, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS USED IN TITLE 38 RELATING TO THE DEPARTMENT OF INSURANCE, SO AS TO AMEND THE DEFINITION OF "ADMITTED ASSETS" TO INCLUDE THOSE ON THE INSURER'S MOST RECENT STATUTORY FINANCIAL STATEMENT FILED WITH THE DEPARTMENT OF INSURANCE PURSUANT TO THE PROVISIONS OF SECTION 38-13-80 INSTEAD OF THOSE ADMITTED UNDER THE PROVISIONS OF SECTION 38-11-100; TO AMEND SECTION 38-9-10, RELATING TO CAPITAL AND SURPLUS REQUIRED OF STOCK INSURERS, SO AS TO CHANGE THE MARKETABLE SECURITIES THAT MAY BE REQUIRED BY THE DIRECTOR OF INSURANCE; TO AMEND SECTION 38-9-20, RELATING TO THE SURPLUS REQUIRED OF MUTUAL INSURERS, SO AS TO CHANGE THE MARKETABLE SECURITIES WHICH MAY BE REQUIRED BY THE DIRECTOR OF INSURANCE; TO AMEND SECTION 38-9-210, RELATING TO THE REDUCTION FROM LIABILITY FOR THE REINSURANCE CEDED BY A DOMESTIC INSURER, SO AS TO CHANGE THE SECURITIES LISTED THAT QUALIFY AS SECURITY; TO AMEND SECTION 38-10-40, RELATING TO THE PROTECTED CELL ASSETS OF A PROTECTED CELL, SO AS TO CHANGE A CODE REFERENCE; TO AMEND SECTION 38-33-130, RELATING TO THE SECURITY DEPOSIT OF A HEALTH MAINTENANCE ORGANIZATION, SO AS TO DELETE THE REQUIREMENT THAT A HEALTH MAINTENANCE ORGANIZATION SHALL ISSUE A CONVERSION POLICY TO AN ENROLLEE UPON THE TERMINATION OF THE ORGANIZATION; AND TO AMEND SECTION 38-55-80, RELATING TO LOANS TO DIRECTORS OR OFFICERS BY AN INSURER, SO AS TO CHANGE A CODE REFERENCE.

Senator MALLOY explained the Bill.

TUESDAY, MARCH 17, 2009

Recorded Vote

Senators RYBERG and BRYANT desired to be recorded as voting in favor of the second reading of S. 202.

S. 301 -- Senator Malloy: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTIONS 38-9-225 AND 38-9-230 SO AS TO ENACT PROVISIONS REQUIRING CERTAIN INSURERS TO FILE A STATEMENT OF ACTUARIAL OPINION AND ACTUARIAL OPINION SUMMARY ANNUALLY AND PROVIDE FOR THE CONFIDENTIALITY OF THESE DOCUMENTS; TO AMEND SECTION 38-5-120, RELATING TO THE REVOCATION OR SUSPENSION OF LICENSE OF AN INSURER AND ITS OFFICERS AND AGENTS FOR THE PUBLICATION OF THE NOTICE, SO AS TO PROVIDE A PROCEDURE FOR AN AGGRIEVED INSURER TO REQUEST A HEARING BEFORE THE DIRECTOR OR HIS DESIGNEE AND PROVIDE RECOURSE THROUGH JUDICIAL REVIEW; TO AMEND SECTION 38-9-330, RELATING TO THE DEFINITION OF "COMPANY ACTION LEVEL EVENT", SO AS TO REDEFINE THE TERM; AND TO AMEND SECTION 38-21-95, RELATING TO APPROVAL FOR ACQUISITION OF A DOMESTIC INSURER BY A CONTROLLING PRODUCER IN ANOTHER STATE, SO AS TO DELETE THE APPLICABILITY TO FOREIGN PRODUCERS AND CORRECT INCORRECT REFERENCES.

Senator MALLOY explained the Bill.

The Bill was read the second time and ordered placed on the third reading Calendar.

Recorded Vote

Senators RYBERG and BRYANT desired to be recorded as voting in favor of the second reading of S. 301.

Objection--S. 301

Senator MALLOY asked unanimous consent to give the Bill a third reading on Wednesday.

Senator McCONNELL objected.

S. 304 -- Senators Leatherman, Alexander, Land, Campsen and Grooms: A BILL TO AMEND SECTION 6-1-760 OF THE 1976

TUESDAY, MARCH 17, 2009

CODE, RELATING TO REVENUE BONDS, TO PROVIDE THAT THE PROCEEDS OF LOCAL ACCOMMODATIONS FEES, HOSPITALITY FEES, AND STATE ACCOMMODATIONS FEES MAY BE PLEDGED AS SECURITY, AND TO AMEND SECTION 6-4-10, RELATING TO STATE ACCOMMODATIONS FEES, TO PROVIDE THAT FEES ALLOCATED FOR ADVERTISING AND PROMOTING TOURISM MAY NOT BE PLEDGED AS SECURITY.

Recorded Vote

Senators RYBERG and BRYANT desired to be recorded as voting in favor of the second reading of S. 304.

S. 328 -- Senators Verdin, Grooms, Cromer, Campbell, Bright, Bryant and Campsen: A BILL TO AMEND SECTION 47-5-60 OF THE 1976 CODE, RELATING TO INOCULATING PETS AGAINST RABIES, SO AS TO PROVIDE THAT THESE INOCULATIONS MUST BE ADMINISTERED BY A LICENSED VETERINARIAN OR SOMEONE UNDER THE DIRECT SUPERVISION OF A LICENSED VETERINARIAN.

Senator VERDIN explained the Bill.

Recorded Vote

Senators RYBERG and BRYANT desired to be recorded as voting in favor of the second reading of S. 328.

S. 332 -- Senator Leventis: A BILL TO AMEND SECTIONS 6-1-530 AND 6-1-730, BOTH AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO USES ALLOWED FOR THE REVENUE OF THE LOCAL ACCOMMODATIONS AND LOCAL HOSPITALITY TAX, SO AS TO INCREASE FROM TWENTY TO FIFTY PERCENT, IN COUNTIES IN WHICH LESS THAN NINE HUNDRED THOUSAND DOLLARS IN STATE ACCOMMODATIONS TAX IS COLLECTED ANNUALLY, THE AMOUNT OF THE REVENUE OF THE LOCAL TAXES THAT MAY BE USED FOR OPERATIONS AND MAINTENANCE.

Recorded Vote

Senators RYBERG and BRYANT desired to be recorded as voting in favor of the second reading of S. 332.

TUESDAY, MARCH 17, 2009

S. 363 -- Senator Alexander: A BILL TO AMEND SECTION 23-41-20 OF THE 1976 CODE, RELATING TO THE ARSON REPORTING IMMUNITY ACT, TO ADD CERTAIN PUBLIC SAFETY OFFICIALS TO THE LIST OF AGENCIES AUTHORIZED TO RECEIVE INFORMATION FROM AN INSURANCE COMPANY.

Senators MARTIN and ALEXANDER explained the Bill.

Recorded Vote

Senators RYBERG and BRYANT desired to be recorded as voting in favor of the second reading of S. 363.

S. 364 -- Senator Alexander: A BILL TO AMEND CHAPTER 9, TITLE 23 OF THE 1976 CODE , BY ADDING SECTION 23-9-25 TO ENACT THE “VOLUNTEER STRATEGIC ASSISTANCE AND FIRE EQUIPMENT PROGRAM” (V-SAFE) WHOSE PURPOSE, CONTINGENT UPON THE GENERAL ASSEMBLY APPROPRIATING APPROPRIATE FUNDS, IS TO OFFER GRANTS TO ELIGIBLE VOLUNTEER AND COMBINATION FIRE DEPARTMENTS FOR THE PURPOSE OF PROTECTING LOCAL COMMUNITIES AND REGIONAL RESPONSE AREAS FROM INCIDENTS OF FIRE, HAZARDOUS MATERIALS, TERRORISM, AND TO PROVIDE FOR THE SAFETY OF VOLUNTEER FIREFIGHTERS, TO PROVIDE DEFINITIONS OF CERTAIN TERMS, AND TO PROVIDE FOR THE ADMINISTRATION OF THE GRANTS.

Recorded Vote

Senators RYBERG and BRYANT desired to be recorded as voting in favor of the second reading of S. 364.

S. 583 -- Education Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE BOARD OF EDUCATION, RELATING TO USE AND DISSEMINATION OF TEST RESULTS, DESIGNATED AS REGULATION DOCUMENT NUMBER 4049, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

Senator HAYES explained the Joint Resolution.

TUESDAY, MARCH 17, 2009

Recorded Vote

Senators RYBERG and BRYANT desired to be recorded as voting in favor of the second reading of S. 583.

H. 3657 -- Labor, Commerce and Industry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF INSURANCE, RELATING TO PRENEED LIFE INSURANCE MINIMUM STANDARDS FOR DETERMINING RESERVE LIABILITIES AND NONFORFEITURE VALUES, DESIGNATED AS REGULATION DOCUMENT NUMBER 4035, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

Senator MALLOY explained the Joint Resolution.

Recorded Vote

Senators RYBERG and BRYANT desired to be recorded as voting in favor of the second reading of H. 3657.

**PREVIOUSLY PROPOSED AMENDMENT WITHDRAWN
COMMITTEE AMENDMENT ADOPTED
READ THE SECOND TIME**

S. 21 -- Senator Hayes: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 47 TO TITLE 15 SO AS TO ENACT THE "UNIFORM INTERSTATE DEPOSITIONS AND DISCOVERY ACT", TO PROVIDE AN EFFICIENT AND INEXPENSIVE PROCEDURE FOR LITIGANTS TO DEPOSE OUT-OF-STATE INDIVIDUALS AND FOR THE PRODUCTION OF DISCOVERABLE MATERIALS THAT MAY BE LOCATED OUT OF STATE.

The Senate proceeded to a consideration of the Bill, the question being the adoption of the previously proposed amendment (JUD0021.005) proposed by Senator MASSEY and printed on February 12, 2009. The amendment was withdrawn

Senator MASSEY explained the amendment.

Senator MARTIN asked unanimous consent to withdraw the proposed amendment by Senator MASSEY.

There was no objection and the amendment was withdrawn.

TUESDAY, MARCH 17, 2009

The Committee on Judiciary proposed the following amendment (JUD0021.003), which was adopted:

Amend the bill, as and if amended, page 1, beginning on line 32, by striking Section 15-47-110, in its entirety, and inserting therein the following:

/ Section 15-47-110. As used in this chapter: (1) 'Clerk of court' means a clerk of court who is duly elected for that county elected in each county pursuant to Section 14-17-10 and who is ex officio clerk of the court of general sessions, the family court, and all other courts of record in the county except as may be provided by the law establishing the other courts.

(2) 'Foreign jurisdiction' means a state other than South Carolina.

(3) 'Foreign subpoena' means a subpoena issued under authority of a court of record of a foreign jurisdiction.

(4) 'Person' means an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, public corporation, government or governmental subdivision, agency or instrumentality, or any other legal or commercial entity.

(5) 'State' means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, federally recognized Indian tribes, or any territory or insular possession subject to the jurisdiction of the United States.

(6) 'Subpoena' means a document, however denominated, issued under authority of a court of record requiring a person to:

(a) attend and give testimony at a deposition;

(b) produce and permit inspection and copying of designated books, documents, records, electronically stored information, or tangible things in the possession, custody, or control of the person; or

(c) permit inspection of premises under the control of the person./

Amend the bill, as and if amended, page 2, beginning on line 16, in Section 15-47-120, by striking lines 16-17 in their entirety and inserting therein the following:

/ under this chapter, a party must submit a foreign subpoena to the clerk of court of the county in which discovery is sought to be /

Renumber sections to conform.

Amend title to conform.

The committee amendment was adopted.

TUESDAY, MARCH 17, 2009

There being no further amendments, the Bill was read the second time, passed and ordered to a third reading.

**COMMITTEE AMENDMENT ADOPTED
READ THE SECOND TIME**

S. 223 -- Senator Lourie: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 47-1-145, TO ENACT THE "PROVISIONS FOR COST OF ANIMAL CARE ACT OF 2009", TO PROVIDE THAT THE CUSTODIAN OF AN ANIMAL TAKEN INTO CUSTODY DUE TO CIVIL OR CRIMINAL VIOLATIONS BY ITS OWNER MAY PETITION THE COURT FOR EXPENSES RELATED TO PROVIDING CARE TO THE ANIMAL, TO ESTABLISH PROCEDURES FOR HEARING SUCH PETITIONS AND FOR THE COLLECTION AND USE OF FUNDS ORDERED TO BE PAID, TO PROVIDE THAT A PERSON WHO FAILS TO PAY SUCH FUNDS FORFEITS RIGHTS OF OWNERSHIP TO THE ANIMAL, TO PROVIDE FOR THE DISPOSITION OF SUCH AN ANIMAL, AND TO PROVIDE FOR THE RETURN OF FUNDS WHEN A PERSON IS NOT FOUND TO BE IN VIOLATION; TO AMEND SECTION 47-1-130, RELATING TO CRUELTY TO ANIMALS, TO PROVIDE THAT AGENTS OF THE SOUTH CAROLINA SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS, OR ANY OTHER SOCIETY DULY INCORPORATED FOR THAT PURPOSE, MAY ASSIST WITH A LAWFUL INVESTIGATION OF THIS CHAPTER, BUT MAY ONLY EFFECTUATE AN ARREST OF A PERSON IF THEY HAVE BEEN VESTED WITH THE POWER TO ARREST BY A SHERIFF OR THE GOVERNING BODY OF A COUNTY OR MUNICIPALITY; AND TO AMEND SECTION 47-1-140, RELATING TO NOTICE PROVIDED TO THE OWNER OF ANIMALS WHICH HAVE BEEN SEIZED FROM OTHERS UPON ARREST, TO REMOVE SPECIAL PROVISIONS FOR AGENTS OF THE SOUTH CAROLINA SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS, OR ANY OTHER SOCIETY DULY INCORPORATED FOR THAT PURPOSE.

The Senate proceeded to a consideration of the Bill, the question being the adoption of the amendment proposed by the Committee on Agriculture and Natural Resources.

TUESDAY, MARCH 17, 2009

The Committee on Agriculture and Natural Resources proposed the following amendment (223R003.DBV), which was adopted:

Amend the bill, as and if amended, page 3, by striking lines 5 - 31 and inserting:

/ (D)(1) Any order for funds to be deposited pursuant to this section must state that if the custodian of the animal files an affidavit with the court, at least two business days before the expiration of a thirty-day period, stating that, to the best of the custodian's knowledge, the case against the defendant has not yet been resolved, the order must be automatically renewed every thirty days until the case is resolved.

(2) The court may order that the defendant deposit with the court the amount of funds set by the court pursuant to subsection (C). The defendant also shall deposit the same amount with the court every thirty days thereafter until the litigation is resolved, unless the defendant requests a hearing no fewer than five business days before the expiration of a thirty-day period. If funds have been deposited in accordance with this subsection, the custodian of the animal may draw from the funds the actual costs incurred in caring for the animal.

(3)(a) If the court makes a final determination of the charges or claims against the defendant in his favor, then the defendant may recover custody of his animal if, within thirty days of the final determination, he satisfies all outstanding obligations concerning court ordered deposits for the care of the animal.

(b) If the defendant fails to satisfy all outstanding obligations concerning court ordered deposits for the care of the animal within thirty days of the final determination, the defendant forfeits all rights of ownership or possession of the animal. The custodian of the animal may then determine whether the animal is suitable for adoption and whether adoption can be arranged for the animal. The animal may not be adopted by the defendant or by any person residing in the defendant's household. If no adoption can be arranged after the forfeiture, or the animal is unsuitable for adoption, the custodian shall humanely euthanize the animal. /

Amend the bill further, as and if amended, page 4, by striking lines 11 - 21 and inserting:

/ (B) A person acting as an agent of the South Carolina Society for the Prevention of Cruelty to Animals, or any society duly incorporated for that purpose, may assist with a lawful investigation of alleged violations of this chapter, accompany law enforcement officers making arrests for a violation of this chapter, participate with law

TUESDAY, MARCH 17, 2009

enforcement officers in the seizure of animals pursuant to a lawful arrest, and take custody of animals pursuant to Section 47-1-120.”/

Renumber sections to conform.

Amend title to conform.

Senator VERDIN explained the committee amendment.

The committee amendment was adopted.

There being no further amendments, the Bill was read the second time, passed and ordered to a third reading.

Recorded Vote

Senators RYBERG and BRYANT desired to be recorded as voting in favor of the second reading of S. 223.

COMMITTEE AMENDMENT ADOPTED

READ THE SECOND TIME

S. 360 -- Senator Hayes: A BILL TO AMEND SECTION 4-10-310, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE IMPOSITION OF A ONE PERCENT CAPITAL PROJECT SALES AND USE TAX BY A COUNTY GOVERNING BODY, SO AS TO DELETE A REQUIREMENT THAT THE TAX IS TO COLLECT A LIMITED AMOUNT OF MONEY; TO AMEND SECTION 4-10-330, AS AMENDED, RELATING TO THE COUNTY ORDINANCE AND BALLOT QUESTION FOR THE REFERENDUM REQUIRED, SO AS TO FURTHER PROVIDE FOR THE CONTENTS OF THE ORDINANCE AND THE DATES AND PURPOSES OF THE REFERENDUM; AND TO AMEND SECTION 4-10-340, AS AMENDED, RELATING TO THE IMPOSITION AND TERMINATION OF THE TAX, SO AS TO FURTHER PROVIDE FOR THE TERMINATION OF A NEWLY IMPOSED AND A REIMPOSED TAX.

The Senate proceeded to a consideration of the Bill, the question being the adoption of the amendment proposed by the Committee on Finance.

The Committee on Finance proposed the following amendment (360FIN001), which was adopted:

TUESDAY, MARCH 17, 2009

Amend the bill, as and if amended, SECTION 3, page 4, by striking lines 22 through 27 and inserting:

/ (C)(1) Amounts collected in excess of the required net proceeds must first be applied, if necessary, to complete a project for which the tax was imposed; ~~otherwise, the excess funds must be credited to the general fund of the governmental entities receiving the proceeds of the tax, in the proportion which they received the net proceeds of the tax while it was imposed.~~

(2) If funds still remain after first using the funds as described in item (1) and the tax is reimposed, the remaining funds must be used to fund the projects approved by the voters in the referendum to reimpose the tax, in priority order as the projects appeared on the enacting ordinance.

(3) If funds still remain after first using the funds as described in item (1) and the tax is not reimposed, the remaining funds must be used for the purposes set forth in Section 4-10-330(A)(1). These remaining funds may only be expended for the purposes set forth in Section 4-10-330(A)(1) following an ordinance specifying the authorized purpose or purposes for which the funds will be used." /

Renumber sections to conform.

Amend title to conform.

Senator HAYES explained the committee amendment.

The committee amendment was adopted.

Motion Adopted

On motion of Senator O'DELL, with unanimous consent, Senators PEELER, FAIR, ELLIOTT, REESE and O'DELL were granted leave to attend a subcommittee meeting and were granted leave to vote from the balcony.

The question then was the second reading of the Bill.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 25; Nays 4

AYES

Alexander

Cleary

Coleman

[SJ]

TUESDAY, MARCH 17, 2009

Courson	Davis	Elliott
Fair	Ford	Grooms
Hayes	Hutto	Jackson
Leatherman	Lourie	Malloy
<i>Martin, L.</i>	Massey	Matthews
Mulvaney	Peeler	Ryberg
Scott	Setzler	Shoopman
Thomas		

Total--25

NAYS

Bright	Bryant	<i>Martin, S.</i>
McConnell		

Total--4

The Bill was read the second time, passed and ordered to a third reading.

**COMMITTEE AMENDMENT ADOPTED
READ THE SECOND TIME**

S. 383 -- Senator Hayes: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 5 TO CHAPTER 15, TITLE 63 SO AS TO ENACT THE "UNIFORM CHILD ABDUCTION PREVENTION ACT", TO PROVIDE A LEGAL MECHANISM TO PROTECT CHILDREN FROM CREDIBLE RISKS OF ABDUCTION RELATED TO LEGAL CUSTODY OR VISITATION.

The Senate proceeded to a consideration of the Bill, the question being the adoption of the amendment proposed by the Committee on Judiciary.

The Committee on Judiciary proposed the following amendment (JUD0383.002), which was adopted:

Amend the bill as and if amended, page 1, by striking lines 35 through 36 in their entirety and inserting the following:

/ (2) 'Child' means an individual who is less than sixteen years old and not emancipated. /

Amend title to conform.

TUESDAY, MARCH 17, 2009

Senator L. MARTIN explained the committee amendment.

The committee amendment was adopted.

The question then was the second reading of the Bill.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 30; Nays 0

AYES

Alexander	Bright	Bryant
Cleary	Courson	Cromer
Davis	Elliott	Fair
Grooms	Hayes	Jackson
Leatherman	Leventis	Malloy
<i>Martin, L.</i>	<i>Martin, S.</i>	Massey
Matthews	McConnell	Mulvaney
O'Dell	Peeler	Ryberg
Scott	Setzler	Shoopman
Thomas	Verdin	Williams

Total--30

NAYS

Total--0

The Bill was read the second time, passed and ordered to a third reading.

COMMITTEE AMENDMENT ADOPTED

READ THE SECOND TIME

S. 453 -- Senator Verdin: A BILL TO AMEND CHAPTER 4, TITLE 47 OF THE 1976 CODE, RELATING TO ANIMALS, LIVESTOCK, AND POULTRY, BY ADDING SECTION 47-4-160 TO PROVIDE THAT POLITICAL SUBDIVISIONS MAY NOT ENACT ORDINANCES, ORDER, OR OTHER REGULATIONS CONCERNING THE CARE AND HANDLING OF LIVESTOCK

TUESDAY, MARCH 17, 2009

AND POULTRY, TO PROVIDE THAT IT IS THE INTENT OF THE GENERAL ASSEMBLY TO OCCUPY THE FIELD CONCERNING THE REGULATION OF CARE AND HANDLING OF LIVESTOCK AND POULTRY, AND TO PROVIDE THAT LOCAL LAWS, ORDINANCES, ORDERS, OR OTHER REGULATIONS CONCERNING THE CARE AND HANDLING OF LIVESTOCK AND POULTRY ARE PREEMPTED AND SUPERSEDED.

The Senate proceeded to a consideration of the Bill, the question being the adoption of the amendment proposed by the Committee on Agriculture and Natural Resources.

The Committee on Agriculture and Natural Resources proposed the following amendment (453R001.DBV), which was adopted:

Amend the bill, as and if amended, by striking all after the enacting words and inserting:

/ SECTION 1. The 1976 Code is amended by adding:

“Section 47-4-160. (A) For the purposes of this section, ‘care and handling’ means accepted animal husbandry practices.

(B) Units of local government in this State may not enact ordinances, orders, or other regulations concerning the care and handling of livestock and poultry.

(C) It is the intent of the General Assembly to occupy the field of regulation of care and handling of livestock and poultry. All local laws and ordinances related to the regulation of and the enforcement of the care and handling of livestock and poultry in this State are preempted and superseded by laws enacted by the General Assembly and regulations promulgated by state agencies pursuant to those laws.

(D) The provisions of this section do not apply to Chapter 45, Title 46 concerning nuisance suits related to agricultural operations, commonly referred to as the Right to Farm Act and do not affect a local unit of government’s authority to enact ordinances concerning new swine operations and new slaughterhouse operations

(E) The provisions of this section do not preclude or limit a unit of local government’s right to exercise its land use and zoning authority.”

SECTION 2. This act takes effect upon approval by the Governor.

/ Amend title to conform.

Senator VERDIN explained the committee amendment.

The committee amendment was adopted.

TUESDAY, MARCH 17, 2009

There being no further amendments, the Bill was read the second time, passed and ordered to a third reading.

Recorded Vote

Senators RYBERG and BRYANT desired to be recorded as voting in favor of the second reading of S. 453.

RECOMMITTED

H. 3627 -- Reps. Miller and Anderson: A BILL TO AMEND SECTION 59-67-535, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE USE OF BOATS OPERATED BY THE STATE DEPARTMENT OF EDUCATION FOR THE TRANSPORTATION OF SCHOOL CHILDREN FROM ISLANDS TO MAINLAND SCHOOLS BY CERTAIN OTHER PERSONS, SO AS TO FURTHER PROVIDE FOR THE OPERATION OF THESE BOATS BY THE DEPARTMENT ON SANDY ISLAND, FOR USE OF THESE BOATS BY SPECIFIED PERSONS, AND THE PROCEDURES APPLICABLE FOR USE.

On motion of Senator CLEARY, the Bill was recommitted to the Committee on Education.

OBJECTION

S. 104 -- Senators Verdin and Campsen: A BILL TO AMEND TITLE 46 OF THE 1976 CODE, RELATING TO AGRICULTURE, BY ADDING CHAPTER 53, TO LIMIT THE LIABILITY THAT AN AGRITOURISM PROFESSIONAL MAY INCUR DUE TO AN INJURY OR DEATH SUFFERED BY A PARTICIPANT IN AN AGRITOURISM ACTIVITY, TO PROVIDE THAT AN AGRITOURISM PROFESSIONAL MUST POST A WARNING NOTICE AT THE AGRITOURISM FACILITY, TO PROVIDE THAT WARNING NOTICES MUST BE INCLUDED IN CONTRACTS THE AGRITOURISM PROFESSIONAL ENTERS INTO WITH PARTICIPANTS, AND TO PROVIDE THAT THE AGRITOURISM PROFESSIONAL'S LIABILITY IS NOT LIMITED IF THE PROPER WARNING NOTICES ARE NOT PROVIDED TO PARTICIPANTS.

Senator VERDIN explained the Bill.

Senator MALLOY objected to further consideration of the Bill.

TUESDAY, MARCH 17, 2009

OBJECTION

S. 323 -- Senator Thomas: A BILL TO AMEND SECTION 38-90-20, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO LICENSING OF A CAPTIVE INSURANCE COMPANY, SO AS TO AUTHORIZE A COMPANY TO WRITE WORKERS' COMPENSATION INSURANCE ON A DIRECT BASIS, AND TO AUTHORIZE AN ADDITIONAL PROCESSING FEE FOR AN APPLICATION TO BE CHARGED AS DETERMINED APPROPRIATE BY THE DIRECTOR OR HIS DESIGNEE GIVEN THE NATURE OF THE APPLICATION BEING INVESTIGATED; TO AMEND SECTION 38-90-40, AS AMENDED, RELATING TO CAPITALIZATION REQUIREMENTS FOR CAPTIVE INSURANCE COMPANIES, SO AS TO AUTHORIZE A FRONT COMPANY OF A BRANCH CAPTIVE INSURANCE COMPANY TO POST SECURITY FOR LOSS RESERVES ON BRANCH BUSINESS; TO AMEND SECTION 38-90-55, RELATING TO INCORPORATION OF A CAPTIVE REINSURANCE COMPANY, SO AS TO CHANGE MANDATORY TO PRECATORY CONSIDERATION BY THE DIRECTOR OF FACTORS IN ARRIVING AT A FINDING; TO AMEND SECTION 38-90-60, AS AMENDED, RELATING TO INCORPORATION OPTIONS AND REQUIREMENTS OF A PURE CAPTIVE INSURANCE COMPANY, SO AS TO CHANGE THE CRITERIA FOR MAKING A FINDING BY THE DIRECTOR OR HIS DESIGNEE TO ISSUE A CERTIFICATE TO AN ALIEN CAPTIVE INSURANCE COMPANY; TO AMEND SECTION 38-90-70, AS AMENDED, RELATING TO REPORTS REQUIRED TO BE SUBMITTED BY A CAPTIVE INSURANCE COMPANY TO THE DIRECTOR, SO AS GRANT THE DIRECTOR THE AUTHORITY TO GRANT OR WAIVE THE REQUIREMENTS OF THIS SECTION; TO AMEND SECTION 38-90-75, RELATING TO DISCOUNTING A LOSS AND LOSS ADJUSTMENT EXPENSE RESERVES, SO AS TO PROVIDE THE SECTION APPLIES TO A CAPTIVE INSURANCE COMPANY AND NOT A SPONSORED COMPANY, DELETE THE MANNER IN WHICH THE RESERVES WERE DISCOUNTED AND PROVIDE THAT THIS PROCESS MAY BE ACCOMPLISHED WITH PRIOR WRITTEN APPROVAL BY THE DIRECTOR; TO AMEND SECTION 38-90-80, AS AMENDED, RELATING TO INSPECTIONS AND EXAMINATIONS OF A CAPTIVE INSURANCE COMPANY, SO

TUESDAY, MARCH 17, 2009

AS TO INCREASE FROM THREE TO FIVE YEARS THE INTERVAL OF THE INSPECTIONS AND EXAMINATIONS AND AUTHORIZE THE DIRECTOR TO WAIVE THE REQUIREMENT FOR A VISIT TO CERTAIN COMPANIES; TO AMEND SECTION 38-90-90, RELATING TO SUSPENSION OR REVOCATION OF THE LICENSE OF A CAPTIVE INSURANCE COMPANY, SO AS TO AUTHORIZE THE DIRECTOR TO IMPOSE A FINE INSTEAD OF REVOKING OR SUSPENDING A LICENSE; TO AMEND SECTION 38-90-130, RELATING TO THE PROHIBITION OF A CAPTIVE INSURANCE COMPANY FROM PARTICIPATING IN A PLAN, POOL, ASSOCIATION, OR GUARANTY OR INSOLVENCY FUND, SO AS TO AUTHORIZE A COMPANY TO PARTICIPATE IN A POOL FOR THE PURPOSE OF COMMERCIAL RISK SHARING UNDER CERTAIN CIRCUMSTANCES; TO AMEND SECTION 38-90-180, AS AMENDED, RELATING TO THE APPLICABILITY OF CERTAIN PROVISIONS TO CAPTIVE INSURANCE COMPANIES, SO AS TO MAKE THE PROVISIONS OF CHAPTERS 26 AND 27 APPLICABLE TO CAPTIVE INSURANCE COMPANIES; TO AMEND SECTION 38-90-440, AS AMENDED, RELATING TO LICENSING OF A SPECIAL PURPOSE FINANCIAL CAPTIVE INSURANCE COMPANY, SO AS TO PROVIDE THE BASIS FOR CALCULATING A PROCESSING FEE, AND CLARIFY THAT SIX THOUSAND DOLLARS BASED ON A MINIMUM FEE OF TWELVE THOUSAND DOLLARS IS PAYABLE UPON FILING OF THE APPLICATION; TO AMEND SECTION 38-90-450, AS AMENDED, RELATING TO THE ORGANIZATION REQUIREMENTS OF A SPECIAL PURPOSE FINANCIAL CAPTIVE, SO AS TO CHANGE FROM MANDATORY TO PRECATORY BY THE DIRECTOR WHEN ISSUING A CERTIFICATE; AND TO AMEND SECTION 38-90-560, RELATING TO EXAMINATIONS BY THE DIRECTOR OF A SPECIAL PURPOSE FINANCIAL CAPTIVE INSURANCE COMPANY, SO AS TO INCREASE FROM THREE TO FIVE YEARS THE INTERVAL THAT A COMPANY MUST BE INSPECTED AND DELETE THE AUTHORITY OF THE DIRECTOR TO ENLARGE THE PERIOD OF INSPECTION UNDER CERTAIN CIRCUMSTANCES.

Senator MALLOY explained the Bill.

TUESDAY, MARCH 17, 2009

Senator KNOTTS objected to further consideration of the Bill.

ADOPTED

S. 570 -- Senators Hayes, Peeler, Mulvaney and Coleman: A SENATE RESOLUTION TO RECOGNIZE YORK COUNTY AS A VITAL PART OF THE GREAT STATE OF SOUTH CAROLINA AND TO DECLARE MARCH 31, 2009, "YORK COUNTY DAY" IN SOUTH CAROLINA.

The Concurrent Resolution was adopted.

Recorded Vote

Senators RYBERG and BRYANT desired to be recorded as voting in favor of the adoption of S. 570.

H. 3144 -- Rep. Hosey: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION TO NAME THE PORTION OF SOUTH CAROLINA HIGHWAY 125 UNDER STATE JURISDICTION FROM ITS INTERSECTION WITH SOUTH CAROLINA HIGHWAY 3 IN ALLENDALE COUNTY TO ITS INTERSECTION WITH THE UNITED STATES DEPARTMENT OF ENERGY'S SAVANNAH RIVER SITE'S BOUNDARY NEAR THE TOWN OF JACKSON IN AIKEN COUNTY THE "COACH AARON MANIGAULT MEMORIAL HIGHWAY" AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY THAT CONTAIN THE WORDS "COACH AARON MANIGAULT MEMORIAL HIGHWAY".

The Concurrent Resolution was adopted, ordered returned to the House.

Recorded Vote

Senators RYBERG and BRYANT desired to be recorded as voting in favor of the adoption of H. 3144.

H. 3665 -- Reps. Crawford, Agnew, Alexander, Allen, Allison, Anderson, Anthony, Bales, Ballentine, Bannister, Barfield, Battle, Bedingfield, Bingham, Bowen, Bowers, Brady, Branham, Brantley, G.A. Brown, H.B. Brown, R.L. Brown, Cato, Chalk, Clemmons, Clyburn, Cobb-Hunter, Cole, Cooper, Daning, Delleney, Dillard, Duncan, Edge, Erickson, Forrester, Frye, Funderburk, Gambrell,

TUESDAY, MARCH 17, 2009

Gilliard, Govan, Gullick, Gunn, Haley, Hamilton, Hardwick, Harrell, Harrison, Hart, Harvin, Hayes, Hearn, Herbkersman, Hiott, Hodges, Horne, Hosey, Howard, Huggins, Hutto, Jefferson, Jennings, Kelly, Kennedy, King, Kirsh, Knight, Limehouse, Littlejohn, Loftis, Long, Lowe, Lucas, Mack, McEachern, McLeod, Merrill, Miller, Millwood, Mitchell, Moss, Nanney, J.H. Neal, J.M. Neal, Neilson, Ott, Owens, Parker, Parks, Pinson, E.H. Pitts, M.A. Pitts, Rice, Rutherford, Sandifer, Scott, Sellers, Simrill, Skelton, D.C. Smith, G.M. Smith, G.R. Smith, J.E. Smith, J.R. Smith, Sottile, Spires, Stavrinakis, Stewart, Stringer, Thompson, Toole, Umphlett, Vick, Viers, Weeks, Whipper, White, Whitmire, Williams, Willis, Wylie, A.D. Young and T.R. Young: A CONCURRENT RESOLUTION TO AUTHORIZE PALMETTO BOYS STATE TO USE THE CHAMBERS OF THE HOUSE OF REPRESENTATIVES AND THE SENATE ON FRIDAY, JUNE 12, 2009, FROM 12:00 NOON TO 1:00 P.M. FOR ITS ANNUAL STATE HOUSE MEETING.

The Concurrent Resolution was adopted, ordered returned to the House.

Recorded Vote

Senators RYBERG and BRYANT desired to be recorded as voting in favor of the adoption of H. 3665.

H. 3703 -- Reps. Kirsh and Simrill: A CONCURRENT RESOLUTION TO RECOGNIZE YORK COUNTY AS A VITAL PART OF THE GREAT STATE OF SOUTH CAROLINA AND TO DECLARE MARCH 31, 2009, "YORK COUNTY DAY" IN SOUTH CAROLINA.

The Concurrent Resolution was adopted, ordered returned to the House.

Recorded Vote

Senators RYBERG and BRYANT desired to be recorded as voting in favor of the adoption of H. 3703.

S. 558 -- Senator Courson: A CONCURRENT RESOLUTION TO RECOGNIZE AND EXPRESS DEEP APPRECIATION TO THE INDEPENDENT COLLEGES AND UNIVERSITIES IN SOUTH CAROLINA DURING "INDEPENDENT COLLEGE AND UNIVERSITY WEEK" OF APRIL 20-24, 2009, AND ON

TUESDAY, MARCH 17, 2009

“INDEPENDENT COLLEGE AND UNIVERSITY DAY” ON APRIL 22, 2009, FOR THEIR OUTSTANDING CONTRIBUTIONS IN EDUCATING OUR STATE’S AND NATION’S YOUTH.

The Concurrent Resolution was adopted, ordered sent to the House.

Recorded Vote

Senators RYBERG and BRYANT desired to be recorded as voting in favor of the adoption of S. 558.

S. 559 -- Senator Courson: A CONCURRENT RESOLUTION TO AUTHORIZE PALMETTO GIRLS STATE TO USE THE CHAMBERS OF THE SENATE AND THE HOUSE OF REPRESENTATIVES ON THURSDAY, JUNE 11, 2009, AND FRIDAY, JUNE 12, 2009.

The Concurrent Resolution was adopted, ordered sent to the House.

Recorded Vote

Senators RYBERG and BRYANT desired to be recorded as voting in favor of the adoption of S. 559.

CARRIED OVER

S. 218 -- Senators Fair and Leventis: A BILL TO AMEND SECTIONS 24-13-210 AND 24-13-230, BOTH AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO GOOD BEHAVIOR, WORK, AND ACADEMIC CREDITS, SO AS TO REQUIRE THE DIRECTOR OF THE DEPARTMENT OF CORRECTIONS TO ESTABLISH POLICIES AND PROCEDURES TO RESTORE TO AN INMATE GOOD-TIME CREDIT LOST FOR A DISCIPLINARY ACTION IF THE INMATE IS NOT FOUND GUILTY OF A SUBSEQUENT DISCIPLINARY ACTION, TO ALLOW THE DIRECTOR TO AWARD GOOD-TIME CREDIT TO AN INMATE WHO PERFORMS CERTAIN MERITORIOUS ACTS, AND TO PROVIDE THAT THE DIRECTOR MUST ESTABLISH POLICIES AND PROCEDURES TO ALLOW CERTAIN PRISONERS WHO ARE ENROLLED IN CERTAIN PROGRAMS THAT INCLUDE SELF-HELP PROGRAMS TO RECEIVE A REDUCTION IN THEIR SENTENCES; TO AMEND SECTION 24-27-200, RELATING TO THE FORFEITURE OF WORK, EDUCATION, OR GOOD CONDUCT CREDITS, SO AS TO PROVIDE THAT A REDUCTION IN THESE CREDITS MAY BE

TUESDAY, MARCH 17, 2009

IMPLEMENTED PURSUANT TO AN ADMINISTRATIVE LAW JUDGE'S RECOMMENDATION; AND TO AMEND SECTION 30-4-40, AS AMENDED, RELATING TO MATTERS EXEMPT FROM DISCLOSURE UNDER THE FREEDOM OF INFORMATION ACT, SO AS TO PROVIDE THAT CERTAIN ARCHITECTURAL PLANS, DRAWINGS, OR SCHEMATICS OR LAW ENFORCEMENT POLICIES WHOSE DISCLOSURE WOULD REASONABLY BE USED TO FACILITATE AN ESCAPE FROM LAWFUL CUSTODY MAY BE EXEMPT FROM DISCLOSURE.

Senator FAIR explained the Bill.

On motion of Senator FAIR, the Bill was carried over.

S. 329 -- Senator Fair: A BILL TO AMEND ARTICLE 5, CHAPTER 3, TITLE 24 OF THE 1976 CODE BY ADDING SECTION 24-3-580, TO PROHIBIT THE DISCLOSURE OF THE IDENTITY OF MEMBERS OF AN EXECUTION TEAM AND TO ALLOW FOR CIVIL PENALTIES FOR A VIOLATION OF THE SECTION, AND BY ADDING SECTION 24-3-590, TO PROHIBIT LICENSING AGENCIES FROM TAKING ANY ACTION TO REVOKE, SUSPEND, OR DENY A LICENSE TO ANY PERSON WHO PARTICIPATES ON AN EXECUTION TEAM.

Senator FAIR explained the Bill.

On motion of Senator FAIR, the Bill was carried over.

S. 390 -- Senator Hayes: A BILL TO ENACT THE "MENTAL HEALTH PARITY AND ADDICTION ACT OF 2009"; AND TO AMEND SECTION 38-71-880, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO MEDICAL AND SURGICAL BENEFITS AND MENTAL BENEFITS COVERAGE, SO AS TO ADD PROVISIONS RELATING TO SUBSTANCE USE DISORDER COVERAGE, FINANCIAL REQUIREMENTS, AND TREATMENT LIMITATIONS AND TO PROVIDE FOR DEFINITIONS.

On motion of Senator RYBERG, the Bill was carried over.

S. 549 -- Medical Affairs Committee: A JOINT RESOLUTION TO DISAPPROVE REGULATIONS OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, RELATING TO

TUESDAY, MARCH 17, 2009

ENVIRONMENTAL PROTECTION FEES, DESIGNATED AS REGULATION DOCUMENT NUMBER 4015, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

Senator FAIR explained the Joint Resolution.

On motion of Senator LEVENTIS, the Resolution was carried over.

S. 550 -- Medical Affairs Committee: A JOINT RESOLUTION TO DISAPPROVE REGULATIONS OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, RELATING TO ENVIRONMENTAL PROTECTION FEES, DESIGNATED AS REGULATION DOCUMENT NUMBER 4014, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

On motion of Senator FAIR, the Resolution was carried over.

S. 573 -- Banking and Insurance Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF INSURANCE, RELATING TO TAX CREDITS FOR FORTIFICATION MEASURES, DESIGNATED AS REGULATION DOCUMENT NUMBER 3205, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

On motion of Senator MALLOY, the Resolution was carried over.

CARRIED OVER

S. 483 -- Senators Rankin, Cleary, McGill and Elliott: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 9 TO CHAPTER 10, TITLE 4 ENACTING THE "LOCAL OPTION TOURISM DEVELOPMENT FEE ACT" SO AS TO ALLOW A COUNTY IN WHICH AT LEAST FOURTEEN MILLION DOLLARS OF STATE ACCOMMODATIONS TAX REVENUES HAVE BEEN COLLECTED IN A FISCAL YEAR AND A MUNICIPALITY LOCATED IN SUCH A COUNTY TO IMPOSE A FEE NOT TO EXCEED ONE PERCENT OF AMOUNTS SUBJECT TO TAX PURSUANT TO CHAPTER 36, TITLE 12, THE SOUTH CAROLINA SALES AND USE TAX ACT, FOR NOT MORE THAN TEN YEARS, TO PROVIDE THAT THE COUNTY MAY IMPOSE THE FEE BY ORDINANCE IN THE

TUESDAY, MARCH 17, 2009

UNINCORPORATED AREAS OF THE COUNTY AND A MUNICIPALITY MAY IMPOSE THE FEE BY ORDINANCE IN THE MUNICIPALITY, TO PROVIDE FOR THE ADMINISTRATION OF THE FEE, AND TO PROVIDE USES FOR WHICH THE FEE REVENUE MUST BE APPLIED, INCLUDING TOURISM PROMOTION, PROPERTY TAX ROLLBACK, AND CAPITAL PROJECTS PROMOTING TOURISM CAUSES.

The Senate proceeded to a consideration of the Bill, the question being the adoption of the amendment proposed by the Committee on Finance.

Point of Order

Senator McCONNELL raised a Point of Order that the Bill was out of order inasmuch as it was a revenue-raising measure and, as such, should originate in the House of Representatives.

Senator LEATHERMAN spoke on the Point of Order.

Senator CLEARY spoke on the Point of Order.

The PRESIDENT took the Point of Order under advisement.

On motion of Senator L. MARTIN, the Bill was carried over.

COMMITTEE AMENDMENT ADOPTED, CARRIED OVER

S. 266 -- Senator Leventis: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 59-1-490 SO AS TO REQUIRE THE DEPARTMENT OF EDUCATION TO DEVELOP A MODEL DATING VIOLENCE POLICY TO ASSIST SCHOOL DISTRICTS IN DEVELOPING SUCH POLICIES, TO REQUIRE THE POLICY TO BE PUBLISHED IN SCHOOL DISTRICTS AND SCHOOL HANDBOOKS, TO REQUIRE EACH DISTRICT TO PROVIDE DATING VIOLENCE TRAINING ANNUALLY TO ADMINISTRATORS, TEACHERS, NURSES, GUIDANCE COUNSELORS, AND SOCIAL WORKERS, AND TO REQUIRE SCHOOL DISTRICTS TO INFORM THE PARENTS OF STUDENTS OF THIS POLICY; AND BY ADDING SECTION 59-32-100 SO AS TO REQUIRE EACH SCHOOL DISTRICT ANNUALLY TO INCLUDE DATING VIOLENCE EDUCATION IN ITS COMPREHENSIVE HEALTH EDUCATION CURRICULUM, TO PROVIDE THAT THE DEPARTMENT SHALL REVIEW AND APPROVE GRADE LEVEL TOPICS RELATING TO DATING VIOLENCE AND HEALTHY RELATIONSHIPS; AND TO

TUESDAY, MARCH 17, 2009

REQUIRE A SCHOOL, UPON REQUEST, TO PERMIT THE PARENT OR GUARDIAN OF A STUDENT TO EXAMINE THE DATING VIOLENCE EDUCATION PROGRAM INSTRUCTION MATERIALS.

The Senate proceeded to a consideration of the Bill, the question being the adoption of the amendment proposed by the Committee on Education.

The Committee on Education proposed the following amendment (266R001.PPL), which was adopted:

Amend the bill as and if amended, by striking all after the enacting words and inserting:

/SECTION 1. The General Assembly finds that when a student is a victim of dating violence, his or her academic life suffers and his or her safety at school is jeopardized.

The General Assembly further finds that, subject to General Assembly appropriations, a policy to create an environment free of dating violence must be developed in each school district. It is the intent of the General Assembly to enact legislation requiring each school district to develop a policy for responding to incidents of dating violence. All students have a right to work and study in a safe, supportive environment that is free from harassment, intimidation and violence.

SECTION 2. Article 5, Chapter 1, Title 59 of the 1976 Code is amended by adding:

“Section 59-1-490. (A)As used in this section:

(1) ‘Dating violence’ means a pattern of behavior where one person uses threats of, or actually uses, physical, sexual, verbal or emotional abuse to control his or her dating partner.

(2) ‘Dating partner’ means a person, regardless of gender, involved in an intimate relationship with another primarily characterized by the expectation of affectionate involvement whether casual, serious, or long term.

(3) ‘At school’ means in a classroom, on or immediately adjacent to school premises, on a school bus or other school-related vehicle, at an official school bus stop, or at a school sponsored activity or event whether or not it is on school grounds.

(B) The State Department of Education, in collaboration with the South Carolina Coalition Against Domestic Violence and Sexual Assault, shall develop a model dating violence policy to assist school

TUESDAY, MARCH 17, 2009

districts in developing policies for dating violence reporting and response. The model policy must be developed on or before July 1, 2009.

(C)(1) Each school district shall develop a specific policy to address incidents of dating violence involving students at school by the 2010-2011 school year. Upon implementation of the policy, each school district shall verify compliance with the department on an annual basis.

(2) This policy must include, but is not limited to, a statement that dating violence will not be tolerated, dating violence reporting procedures, guidelines to responding to at school incidents of dating violence, and discipline procedures specific to these incidents.”

SECTION 4. This act takes effect upon approval by the Governor./
Renumber sections to conform.
Amend title to conform.

Senator HAYES explained the committee amendment.

The committee amendment was adopted.

On motion of Senator HAYES, the Bill was carried over, as amended.

**COMMITTEE AMENDMENT ADOPTED,
AMENDED, CARRIED OVER**

S. 345 -- Senator Leatherman: A BILL TO AMEND SECTION 8-11-65 OF THE 1976 CODE, RELATING TO LEAVES OF ABSENCE TO BE AN ORGAN DONOR, TO PROVIDE THAT THE NUMBER OF DAYS A PERSON MAY MISS EACH YEAR TO DONATE THEIR ORGANS SHALL BE COUNTED IN A CALENDAR YEAR INSTEAD OF A FISCAL YEAR; AND TO AMEND SECTION 8-11-120, RELATING TO THE POSTING OF JOB VACANCIES BEFORE THE VACANCY IS FILLED, TO REVISE AND SIMPLIFY THE REQUIREMENTS FOR THE NOTICE.

The Senate proceeded to a consideration of the Bill, the question being the adoption of the amendment proposed by the Committee on Finance.

TUESDAY, MARCH 17, 2009

The Committee on Finance proposed the following amendment (345FIN002), which was adopted:

Amend the bill, as and if amended, page 3, by striking lines 13 through 21 and inserting:

~~/ Commission.~~ In addition to any other requirement provided by law, when a job vacancy occurs in any state office, agency, department, or other division or branch of state government, the appointing authority must post a notice with the Office of Human Resources of the State Budget and Control Board and the South Carolina Employment Security Commission at least ten working days before employing a person to fill the vacancy. The posting must give notice of the job vacancy, describe the duties to be performed by a person employed in that position, and include any other information required by law. /

Renumber sections to conform.

Amend title to conform.

Senator ALEXANDER explained the committee amendment.

The committee amendment was adopted.

Senator ALEXANDER proposed the following amendment (345FIN001), which was adopted:

Amend the bill, as and if amended, by adding three appropriately numbered new SECTIONS to read:

/ SECTION ____ Chapter 11, Title 8 of the 1976 Code is amended by adding:

“Section 8-11-33. Notwithstanding any other provision of the law, a state agency that has its payroll processed by the Office of the Comptroller General is authorized to withhold or deduct any portion of a state employee’s wages when:

(1) the State of South Carolina or a state agency that has its payroll processed by the Office of the Comptroller General in its role as an employer is required or empowered to do so by state or federal law; or

(2) an overpayment of wages to an employee as a result of a miscalculation or other bona fide error has occurred.

Prior to any deduction being made pursuant to this section, the employee must receive advance written notice of the deduction, the reason for the deduction, and the actual dollar amount or percentage of wages which will be deducted during one or more pay periods.”

TUESDAY, MARCH 17, 2009

SECTION ____ Section 8-11-196(3) of the 1976 Code is amended to read:

“(3) positions established under this provision must be limited to and must not exist beyond the duration of the time-limited project, grant, or a subsequent renewal of it. However, at the discretion of any agency, other funds ~~the public institutions of higher education, including the technical colleges and schools, grant generated revenue~~ may be used to fund continued employment between the expiration of one grant or time-limited project and the subsequent renewal of the same or similar grant or time-limited project. When the grant, time-limited project, or a subsequent renewal ends, temporary grant or time-limited project employees must be terminated and their positions will cease to exist. Temporary grant or time-limited project employees will be exempt from the provisions of Sections 8-17-310 through 8-17-380. State agencies and institutions must terminate all temporary grant or time-limited project positions when funding is terminated, or is insufficient to continue payments under the conditions of the grant or time-limited project;”

SECTION ____ In order to implement and transition to the South Carolina Enterprise Informational System, the State Office of Human Resources is authorized to amend or modify human resource policies, regulations, and processes as it determines efficient to implement and transition to the South Carolina Enterprise Informational System. Any changes or modifications adopted by the State Office of Human Resources shall be published in the State Register and published on the official State Office of Human Resources website prior to the changes or modifications taking effect. /

Renumber sections to conform.

Amend title to conform.

Senator ALEXANDER explained the amendment.

The amendment was adopted.

On motion of Senator RYBERG, the Bill was carried over, as amended.

THE CALL OF THE UNCONTESTED CALENDAR HAVING BEEN COMPLETED, THE SENATE PROCEEDED TO THE MOTION PERIOD.

TUESDAY, MARCH 17, 2009

MOTION ADOPTED

On motion of Senator L. MARTIN, the Senate agreed to dispense with the Motion Period.

THE SENATE PROCEEDED TO THE SPECIAL ORDERS.

**READ THE THIRD TIME, RETURNED TO THE HOUSE
WITH AMENDMENTS**

H. 3583 -- Reps. Funderburk, Lucas and Gunn: A JOINT RESOLUTION TO PROVIDE THAT THE SCHOOL DAY MISSED ON FEBRUARY 4, 2009, BY THE STUDENTS OF MIDWAY ELEMENTARY, BETHUNE ELEMENTARY, MOUNT PISGAH ELEMENTARY, BARON DEKALB ELEMENTARY, NORTH CENTRAL MIDDLE, AND NORTH CENTRAL HIGH SCHOOLS WHEN THE SCHOOLS WERE CLOSED DUE TO SNOW ARE EXEMPT FROM THE MAKE-UP REQUIREMENT THAT FULL SCHOOL DAYS MISSED DUE TO SNOW, EXTREME WEATHER, OR OTHER DISRUPTIONS BE MADE UP.

The Senate proceeded to a consideration of the Joint Resolution, the question being the third reading of the Joint Resolution.

The Resolution was read the third time, passed and ordered returned to the House of Representatives with amendments.

Recorded Vote

Senator RYBERG desired to be recorded as voting against the third reading of the Resolution.

READ THE THIRD TIME, SENT TO THE HOUSE

S. 186 -- Senators McConnell and Campsen: A BILL TO AMEND SECTION 15-77-300, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO ALLOWANCE OF ATTORNEY'S FEES IN STATE-INITIATED ACTIONS, SO AS TO LIMIT THE FEE TO A REASONABLE TIME EXPENDED AT A REASONABLE RATE.

The Senate proceeded to a consideration of the Bill, the question being the third reading of the Bill.

The Bill was read the third time, passed and ordered sent to the House of Representatives with amendments.

TUESDAY, MARCH 17, 2009

LOCAL APPOINTMENTS

Confirmations

Having received a favorable report from the Senate, the following appointments were confirmed in open session:

Reappointment, Cherokee County Magistrate, with the term to commence April 30, 2006, and to expire April 30, 2010

Robert Barton Howell, P. O. Box 336, Gaffney, SC 29342

Reappointment, Cherokee County Magistrate, with the term to commence April 30, 2006, and to expire April 30, 2010

Mike W. Clary, P. O. Box 336, Gaffney, SC 29342

Reappointment, Cherokee County Magistrate, with the term to commence April 30, 2006, and to expire April 30, 2010

Tressa M. Ramsey, P. O. Box 336, Gaffney, SC 29342

Reappointment, Cherokee County Magistrate, with the term to commence April 30, 2006, and to expire April 30, 2010

Franklin E. Crocker, P. O. Box 336, Gaffney, SC 29340

MOTION ADOPTED

On motion of Senator LEVENTIS, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mr. Robert "Robbie" Lee Evans of Sumter, S.C. Mr. Evans was much loved and will be deeply missed by the Sumter community. For more than 30 years, he set a remarkable example of professionalism and journalism standard at *The Item*. He was committed to his family and to his career, but he also found time to devote countless hours to coaching -- especially the P-15 baseball team. As a coach, Robbie taught his players the value of team spirit and he left a lasting impact on their lives. He was one of those rare people who is with us for too short a time, and truly leaves the world a brighter place. We celebrate his life, while we mourn our loss.

TUESDAY, MARCH 17, 2009

ADJOURNMENT

At 1:50 P.M., on motion of Senator McCONNELL, the Senate adjourned to meet tomorrow at 11:00 A.M, under the provisions of Rule 1B.

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TUESDAY, MARCH 17, 2009

SENATE JOURNAL INDEX

S. 19.....	8	S. 549.....	29
S. 21.....	14	S. 550.....	30
S. 104.....	23	S. 558.....	27
S. 185.....	9	S. 559.....	28
S. 186.....	36	S. 570.....	26
S. 202.....	10	S. 573.....	30
S. 218.....	28	S. 583.....	13
S. 223.....	16	S. 584.....	2
S. 266.....	31	S. 585.....	2
S. 301.....	11	S. 586.....	3
S. 304.....	11	S. 587.....	3
S. 323.....	24	S. 588.....	3
S. 328.....	12	S. 589.....	4
S. 329.....	29	S. 590.....	4
S. 332.....	12	S. 591.....	5
S. 345.....	33	S. 592.....	5
S. 360.....	18		
S. 363.....	13	H. 3144.....	26
S. 364.....	13	H. 3583.....	36
S. 383.....	20	H. 3627.....	23
S. 390.....	29	H. 3657.....	14
S. 453.....	21	H. 3665.....	26
S. 483.....	30	H. 3675.....	7
S. 545.....	9	H. 3703.....	27
S. 548.....	9		